

# ARTICLE 3

## POLICY PROCEDURES

### SUMMARY

*This Article describes how to obtain a permit under the Concord Development Ordinance. Typically, the permit approval process involves four steps:*

- A. First, an application is submitted to the Administrator. Appendix B lists the submittal requirements for different types of applications.*
- B. Second, the Administrator determines whether the application is complete.*
- C. Third, the application is forwarded to the appropriate board, commission and/or staff agency to approve, approve with conditions, or deny the plans.*
- D. Fourth, a permit is issued to the applicant once plans are approved.*

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### **3.1. GENERAL PROCEDURES**

#### **3.1.1. APPLICATION PROCESS AND OFFICIAL FILING DATE**

The specific procedures followed in reviewing various applications for development approval may vary. Generally, the procedures for all applications have four common elements: (1) submittal of a complete application, including required fee payment and appropriate information; (2) review of the submittal by appropriate staff and boards; (3) action to approve, approve with conditions, or deny the application; and (4) issuance of a permit, based on complete and approved plans.

##### **A. Pre-Application Conference**

Each applicant is strongly encouraged to meet with the Administrator to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application.

##### **B. Application Materials**

Current application materials shall be made available in the offices of the Development Services Department. The Administrator shall establish schedules to file any application for development approval that requires action by the Planning and Zoning Commission, the Board of Adjustment or the City Council. The schedule shall provide adequate time for notice and/or publication consistent with Section 3.1.5 of this Ordinance. Completed applications shall be filed according to any published schedule of the Development Services Department. Such applications shall be filed according to the established schedules in advance of any public hearing or public meeting required pursuant to this Ordinance or the N.C. General Statutes.

#### **3.1.2. PLANNING AND ZONING COMMISSION, THE BOARD OF ADJUSTMENT, AND THE HISTORIC PRESERVATION COMMISSION**

The Planning and Zoning Commission, the Historic preservation commission and the Board of Adjustment shall hold regularly scheduled public hearings to receive and review public input on those items required by this Ordinance and the NCGS. On those items where it has review authority, the Planning and Zoning Commission, the Historic preservation commission or Board of Adjustment shall recommend that the City Council approve, approve with conditions (if applicable), or deny applications. On items it has final decision authority, the Historic Preservation Commission, Planning and Zoning Commission, or Board of Adjustment shall approve, approve with conditions (if applicable), or deny applications. The Administrator will submit the proposed item to the City Council for its consideration.

### 3.1.3. RECORDS

The Administrator shall provide for minutes to be written and retained, shall record the evidence submitted within the allotted hearing time, and shall include a summary of the considerations and the action of the Commission.

### 3.1.4. CITY COUNCIL

The City Council shall hold regularly scheduled public hearings to act upon all items required by this Ordinance and the NCGS to be considered by the City Council. The City Council shall decide whether or not to approve, approve with conditions (if applicable), or deny such applications.

### 3.1.5. NOTICE PROVISIONS

There shall be one notice provision for rezonings, conditional use district rezonings, and all actions by the Board of Adjustment and Historic Preservation Commission. Additional notice requirements for each type of application for development approval may be prescribed in the individual sections of this Ordinance or in the General Statutes.

- A. Unless provided for otherwise, the notice given for legislative, quasi-judicial and advisory proceedings, including amendments to this Ordinance, or the Official Zoning Map (also called rezonings or zoning map amendments), shall be provided as set forth in NCGS § 160A-364, and § 160A-384.
- B. The adjacent property owners to both legislative and quasi-judicial hearings will be given a notice of hearing (by the Administrator) not less than 15 days before the hearing. The notice shall state the date, hour, place, and nature of the hearing, shall list the particular sections of this Ordinance involved, and shall give a short and plain statement of the application. Notice shall be given by first-class mail.
- C. In addition to the "mail notice" given in Section 3.1.5.2., the administrator shall cause a notice of public hearings for legislative and quasi-judicial matters to be posted on the site proposed for rezoning or other Board or Commission action on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the administrator shall cause sufficient notices to be posted to provide reasonable notice to sufficiently interested persons.

- D. No notice shall be required for an administrative permit issued pursuant to Section 3.1.5. of this Ordinance unless otherwise provided by this Ordinance or by law.

### **3.1.6. SCOPE OF ACTION**

The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable), or denial. The reviewing body may allow minor amendments to the application which: (1) proposes fewer dwelling units, floor area or impervious surface than that requested on the original application; (2) reduces the impact of the development; or (3) reduces the amount of land involved from that indicated in the notices of the hearing; or (4) in the case of rezonings, to approve an amendment to a zone allowing less-intense land uses than the ones requested. The reviewing body shall not, in any case, permit: a greater amount of development, a use falling in a different general use category, a larger land area than indicated in the original application, or a greater variance than was indicated in the notice. In addition, the reviewing body shall not reduce or eliminate conditions for a conditional use or conditional use district unless a new notice is provided prior to the meeting at which a final decision is to be made.

### **3.1.7. QUASI-JUDICIAL PUBLIC HEARING PROCEDURES**

#### **A. Applicability**

The provisions of this subsection apply to any application for a conditional use permit, variance, appeal, or any other quasi-judicial action. In making quasi-judicial decisions, the decision-makers must investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature. In the land use context, these quasi-judicial decisions involve the application of land use policies to individual situations, such as variances, conditional use permits, and appeals of administrative determinations. These decisions involve two key elements: (1) the finding of facts regarding the specific proposal, and (2) the exercise of some discretion in applying the standards of the ordinance. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes a hearing with the right of the parties to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial, and material evidence.

#### **B. Rulemaking Authority**

The Board of Adjustment, the Historic preservation commission, the Planning and Zoning Commission and the City Council may adopt

general rules which apply to quasi-judicial public hearings. These public hearings may relate to a conditional use permit or to a proceeding before the Board of Adjustment or Historic preservation commission.

### **3.1.8. CONDUCT OF QUASI-JUDICIAL HEARINGS**

Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization or group, its name and mailing address. The hearing shall be conducted in accordance with the procedures set forth in NCGS § 160A-388.

### **3.1.9. ADMINISTRATIVE DECISIONS**

#### **A. Applicability**

Administrative decisions are routine, non-discretionary zoning ordinance implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Administrator is a purely administrative agent following the literal provisions of this ordinance. The Administrator may engage in some fact finding, (for example, as in making an initial determination as to whether a nonconforming use was in existence at the time a zoning provision was adopted). This involves determining objective facts that do not involve an element of discretion. In contrast to quasi-judicial hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this Ordinance.

#### **B. Processing Procedures**

The procedures for processing administrative permits, such as zoning clearance permit and certificates of compliance, conveyance plats, and final plats are set forth in the sections of this Ordinance pertaining to such permits.

### **3.1.10. LEGISLATIVE AND ADVISORY HEARINGS**

#### **A. Purpose**

The purpose of a legislative or advisory review public hearing is to provide the public an opportunity to be heard. Unlike quasi-judicial hearings, a legislative proceeding does not require due process protections, such as right of the parties to offer evidence, sworn testimony, or findings of fact. Like quasi-judicial hearings, legislative hearings are public hearings preceded by notice to interested parties. Public hearings are required for legislative review hearings, such as amendments to the Comprehensive Plan, amendments to this Ordinance

(including zoning provisions of this Ordinance and the Zoning Map), and applications for a Planned Unit Development.

**B. Notice**

Notice of hearing shall be provided in accordance with Section 3.1.5., above.

**C. Conduct of Hearing**

Testimony may be presented by any member of the public, but need not be submitted under oath or affirmation. The decision-making body may establish a time limit for testimony.

**D. Record of Proceedings**

The body conducting the hearing shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with NCGS Chapter 132 Article 33C. The Administrator will provide the record upon request by application and payment of a fee set by the City Council (to cover duplication costs.)

**E. Neighborhood Meeting Required**

The City will not accept an application for development approval that increases density or intensity unless:

1. all adjacent property owners have been contacted and given an opportunity to meet with the applicant at a meeting established at a reasonable time;
2. the applicant provides proof acceptable to the administrator that each adjacent property owner has been notified in writing; and
3. the applicant submits a summary report indicating results of meeting.

The Administrator may act as a facilitator if requested by the applicant in order to avoid *ex parte* contacts. No member of the decision-making entity may participate in a neighborhood meeting. The applicant may conduct additional neighborhood meetings prior to the hearing at his discretion.

**F. Scope of Approval**

The approval of a zoning map or text amendment does not authorize any development activity. This procedure may be expedited by filing an application for rezoning to a conditional use (CU) district, as set forth in Section 3.3, below. If the desired use is permitted as of right, the

applicant may file a site plan (if required by Article 5) and, if no site plan is required, an application for a zoning clearance permit and any other administrative permits required by Article 6 of this Ordinance.

**G. Subsequent Applications**

In the event that an application for a rezoning or text amendment is denied by the City Council or Planning and Zoning Commission (without an appeal) or that the application is withdrawn after the Commission hearing, the Commission shall not here another application for the same amendment on the same property or any portion of the same property within one year of the original hearing, unless there is new and different evidence that was not reasonably available at the time of the original hearing.

### **3.1.11. REVOCATION OF PERMIT OR APPROVAL**

#### **A. Duties of Administrator**

If the Administrator determines that there are reasonable grounds for revocation of a development permit or approval, the Administrator shall take appropriate action as set forth in Section 1.6 of this Ordinance. The decision of the Administrator to revoke the permit shall be based on Section 3.1.10.2, below.

#### **B. Grounds for Revocation**

The following shall be considered grounds for revocation of a permit:

1. The applicant intentionally supplies misleading information. The provision of information is considered "intentional" when the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence.
2. The failure to comply with any condition of a development order or development permit.

#### **C. Decision and Notice**

The Administrator shall render a decision to revoke the permit, to allow the applicant to retain the development permit, or to reconsider the permit. The Administrator shall notify the holder of the permit in the manner provided in NCGS § 160A-422.

#### **D. Effect and Appeals**

The decision of the Administrator may be appealed as set forth in Section 6.3 of this Ordinance. Unless appealed, a decision to revoke a development permit shall become final thirty (30) days after the date the decision is rendered. After that, any further activities based on the permit shall be deemed to be in violation of this Ordinance and shall be subject to the remedies as prescribed in Section 1.6 of this Ordinance.

#### **E. Right Cumulative**

The right to revoke a development permit, as provided in this Section, shall be cumulative to any other remedy allowed by law.



## **3.2. ZONING MAP AMENDMENTS**

### **3.2.1. PURPOSE**

The purpose of this Section is to establish uniform procedures for processing changes to the Official Zoning Map ("rezonings").

### **3.2.2. INITIATION OF A ZONING MAP AMENDMENT**

- A.** Any person, board, department or commission may apply for a change in zoning district boundaries (rezoning), with the following limitations:
  - 1. applications for conditional use rezoning as set forth in Section 3.3 may be initiated only by petition; and
  - 2. applications for third party rezonings may not be permitted unless a petitioner obtains Planning and Zoning Commission or City Council sponsorship.
- B.** An amendment to the Official Zoning Map (a "Rezoning") may be initiated by filing an application with the Administrator. Before any application is accepted by the Development services department, the applicant is encouraged to meet with the Administrator. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a zoning amendment request. During the conference, the administrator will identify the submittal requirements. Neighborhood meetings are required pursuant to Section 3.1.9.5 of this Ordinance.

### **3.2.3. ZONING TEXT AMENDMENTS**

An amendment to the text of this Ordinance is regulated in accordance with Section 3.4 of this Ordinance.

### **3.2.4. ZONING MAP AMENDMENT PROCESS**

The purpose of this Section is to provide a procedure for streamlining the review of rezoning applications as permitted by special legislation.

#### **A. Delegation**

The Planning and Zoning Commission is hereby delegated by the City Council to have the authority to take final action on applications to rezone property as herein provided.

#### **B. Procedures for Review**

Zoning Amendment applications shall be submitted for review to the Development Services Department which in turn may consult with the

Development Review Committee and a hearing scheduled for the next available meeting of the Planning and Zoning Commission. Notice of the public hearing shall be provided as set forth in Section 3.1.5 of this Ordinance.

**1. State of Consistency with the Comprehensive Plan(s)**

Prior to adopting or rejecting any zoning map amendment the Planning and Zoning Commission shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Commission considers the action taken to be reasonable and in the public interest.

**2. Approval by Supermajority**

The Planning and Zoning Commission may grant final approval regarding a zoning map amendment by a vote of at least three-fourths of the members of the Commission present and not excused from voting, provided there is no appeal of this decision as set forth in Section 3.3.4.2.5, below. A final approval decision shall not be in effect until the fifteen-day appeal period expires.

**3. Approval by Simple Majority**

If an approval is by a vote of less than three-fourths of the members of Commission or if an appeal is taken, then only the City Council shall have the authority to make a final decision on a rezoning application. Conditions may be imposed to an approved rezoning only if a conditional use zoning district is approved pursuant to Section 3.3 of this Article.

**4. Denial**

If the Commission renders a denial recommendation, the request shall automatically be forwarded to the City Council at their next regular meeting.

**5. Appeal**

Any person aggrieved by the decision of the Planning and Zoning Commission shall have the right to appeal the action to the City Council. The appeal shall be filed by giving notice in writing to the Administrator within fifteen (15) days of the decision of the Planning and Zoning Commission.

**6. Written Recommendation of Planning and Zoning Commission**

In the event of an appeal, denial, or approval by less than a supermajority, the Commission shall provide a written

recommendation to the governing board that addresses consistency with the comprehensive plan(s) and any other matters deemed appropriate by the Planning and Zoning Commission.

7. If an amendment is forwarded to the City Council for review after an appeal, the City Council shall hold a hearing in no more than sixty days from the date of appeal (if any) and decide to approve or deny the zoning amendment. If an amendment is forwarded to the City Council for review for any reason OTHER than an appeal, the City Council shall hold a hearing in no more than sixty days from the date of the Planning and Zoning Commission meeting and decide to approve or deny the zoning amendment. Comments by the Planning and Zoning Commission that a proposed amendment is inconsistent with the comprehensive plan(s) shall not preclude the City Council from considering or approving any proposed amendment. Approval of the amendment shall be by a majority vote. Prior to adopting or rejecting any zoning map amendment the City Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest. Conditions may be imposed to an approved rezoning only if a conditional use zoning district is approved pursuant to Section 3.3 of this Article.

### **3.2.5. APPROVAL CRITERIA**

Whenever the public necessity, safety, or general welfare justifies such action, and after obtaining the recommendation by the Planning and Zoning Commission, the City Council may change zoning district boundaries. The Planning and Zoning Commission and City Council may consider the following questions, at a minimum, in reviewing an application for a rezoning:

- A. The size of the tract in question.
- B. Whether the proposal conforms with and furthers the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance.
- C. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts, as follows:
  1. Whether (i) the proposed rezoning is compatible with the surrounding area, or (ii) there will be adverse effects on the

capacity or safety of the portion of street network influenced by the rezoning, or (iii) parking problems, or (iv) environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances.

2. Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development.
3. Compliance with the adequate public facilities criteria as set forth in this Ordinance.
4. The zoning districts and existing land uses of the surrounding properties.
5. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification.
6. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character.
7. The length of time the subject property has remained vacant as zoned.
8. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.
9. Whether the existing zoning was in error at the time of adoption.
10. Whether the petition, if approved, is "spot zoning".

### **3.2.6. PROTEST PETITIONS**

A three-fourths supermajority vote of the members of the City Council shall be required if a protest petition is filed in accordance with NCGS § 160A-385. (For the purposes of this section, vacant positions on the City Council and persons excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority.) Protest petitions shall be filed with the City Clerk at or before 12:00 noon not less than two working days before the date of the Council hearing. All protest petitions must be submitted on a form prescribed and furnished by the City Department of Development Services. No protest petition shall be valid

unless and until it bears the signatures of the requisite number of property owners.

**A. Qualification of Protest Petition**

To qualify as a protest under this section, the petition must be signed by the owners of either: (i) twenty percent (20%) or more of the area included in the proposed change, or (ii) five percent (5%) of a 100-foot wide buffer extending along the boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as the street right-of-way is 100 feet wide, or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the City may rely on the County tax listings to determine the owners of potentially qualifying owners.

**B. Withdrawal of Signatures from a Petition**

A person who has signed a petition may withdraw her or his name from the petition at any time prior to the vote on the proposed amendment.

**C. Time of Qualification of Petition**

Only those petitions meeting the qualifying standards set forth above in Section 3.2.6.1. at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

**D. Certain Actions Not Subject to 'Protest Petitions'**

Protest Petitions shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted:

1. special use district;
2. conditional use district; or
3. conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

### 3.3. CONDITIONAL USE (CU) DISTRICTS

#### 3.3.1. PURPOSE.

The purpose of the "CU" Districts is to provide a procedure for considering the rezoning of property based upon the recognition that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. Because of the refinement of this option, the City strongly encourages its use. Conditional use district rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general category allowing many different uses.

#### 3.3.2. PROCEDURE

- A. Applications for conditional use approvals shall be filed with the Administrator in a similar manner as set forth in Section 3.2 (and in particular Sections 3.2.4. and 3.2.6. shall also apply to this section). A "CU" District shall only be initiated at the request of the petitioner. A "CU" district shall not be initiated by the City Council, Planning and Zoning Commission, or administrative staff.
- B. The applicant shall submit an application for a "CU" district and a preliminary major site plan as set forth in Section 5.4 of this Ordinance to the Administrator. Following approval of the rezoning, the applicant shall file an application for a final site plan with the Administrator that is consistent with the approved preliminary site plan and any conditions.
- C. The applicant shall describe the exact land use(s) proposed for the "CU" District. Such use(s) may be selected from any of the uses, whether permitted by right or conditional, allowed in the general zoning district upon which the "CU" district is based.
- D. The Planning and Zoning Commission shall hear the "CU" request. The Commission shall first make a decision whether to grant approval for the requested "CU" district. If the "CU" request is denied, the Commission will no longer consider the request for approval of the preliminary major site plan. If the "CU" district is approved, the Commission shall then make a decision whether to approve the preliminary major site plan.

#### 3.3.3. PERMITTED USES

Within a Conditional Use District, only those uses permitted by the zoning district with which the "CU" District corresponds shall be permitted. In addition, the "CU" District permit shall be recorded with the Register of Deeds to ensure notification of any subsequent purchaser. Such action

approving the preliminary major site plan may further specify: (1) the location of units, (2) the location and extent of supporting facilities such as parking lots, driveways, and access streets, (3) the location and extent of rights-of-way, and other areas to be dedicated for public use, and (4) other such matters as the applicant may propose as conditions upon request. The Commission may also impose additional reasonable and appropriate safeguards to serve the purpose and intent of this chapter, public welfare, and justice, provided that only those conditions mutually agreeable to the applicant and the City may be incorporated into the permit. In the event of a "CU" District rezoning, the final major site plan is itself a condition of the rezoning.

#### **3.3.4. VIOLATION OR INVALIDITY OF THE TERMS AND CONDITIONS OF A "CU" DISTRICT**

- A. A violation of a condition of rezoning to a "CU" District as set forth in the final development plan and a violation of other related official documents associated with such rezoning are considered violations of this Ordinance subject to the same remedies and penalties. Upon determining that such a violation has occurred, the Administrator shall notify the property owner of his findings and set a reasonable time for the violation to be corrected or abated in accordance with Section 1.6. When a violation is not corrected or abated within the time period set by the Administrator, the Administrator or any person aggrieved may institute appropriate action proceedings to correct or abate the violation consistent with Section 1.6 of this Ordinance.
- B. If any condition imposed or consideration made is found to be illegal or invalid, or if an applicant should fail to accept a condition such "CU" District and preliminary site plan shall be null and void. Proceedings will be instigated to rezone the property to its previous classification.

#### **3.3.5. SCOPE OF APPROVAL**

- A. The approval of a rezoning to a conditional use district does not authorize development activity. The rezoning to the "CU" district and approval of the preliminary site plan shall authorize the applicant to apply for a final site plan. Final minor site plans shall be reviewed by the Administrator in accordance with Section 5.4 of this Ordinance.
- B. The conditional use(s) requested in the application and reviewed by the Planning and Zoning Commission are not confirmed unless and until the final site plan is approved. Approval of the final site plan shall have the same effect as set forth in Section 5.4 of this Ordinance.

#### **3.3.6. RECORDATION OF CONDITIONAL USE DISTRICT**



The applicant will ensure that the ordinance approving the Conditional Use District is duly certified, and that the legal description and accompanying map exhibit are correct. The Administrator shall record the "CU" District permit in the office of the register of deeds of Cabarrus County. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording must be submitted to the Administrator in order to receive approval of the application for zoning clearance.

#### **3.3.7. SUBSEQUENT PETITIONS**

Subsequent applications for a Conditional Use "CU" District shall be handled in the same manner as that of rezonings prescribed in Section 3.2.

### 3.4 ZONING TEXT AMENDMENTS

#### 3.4.1. PURPOSE

The purpose of this Section is to establish uniform procedures for processing amendments to the text of this Ordinance.

#### 3.4.2. INITIATION OF A ZONING TEXT AMENDMENT

- A. Any person, board, department, or commission may apply for a change in zoning ordinance text.
- B. An amendment to the text of this Ordinance may be initiated by filing an application with the Administrator. Before an application is accepted by the Development Services Department, the applicant must meet with the Administrator. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a zoning text request. During this meeting, the Administrator will identify the submittal requirements. The Administrator shall assign one of the two priorities shown in the following table to the proposed amendment. The amendment shall be processed as determined by the Administrator.

**TABLE 3.4.2-1**

#### **ZONING TEXT AMENDMENT PRIORITY DETERMINATION**

<b>AMENDMENT PRIORITY</b>	<b>DESCRIPTION</b>
<b>CRITICAL:</b>	Amendments to be considered for adoption and implemented as quickly as the amendment may be written, advertised and considered.
<b>OTHER:</b>	Amendment to be considered for adoption and implemented within the next six (6) months.

### **3.4.3. PROCEDURES**

- A. Zoning Text Amendment applications shall be submitted to the Development Services Department for review. The Development Review Committee (DRC) shall also review the applications as needed. A meeting date shall be scheduled with the Planning and Zoning Commission for a recommendation to City Council.
- B. A majority vote is required for the Planning and Zoning Commission to recommend approval of a text amendment.
- C. Based on the recommendation for a zoning text amendment, the Administrator shall schedule the application for a public hearing before the City Council. The City Council shall approve or deny the zoning text amendment by a majority vote.

### **3.4.4. SCOPE OF APPROVAL**

The approval of a zoning text amendment does not authorize any development activity. Development plans shall be filed and reviewed by the appropriate authority as set forth in this Ordinance.

### **3.4.5. SUBSEQUENT APPLICATIONS**

In the event that an application for a rezoning or text amendment is denied by the City Council or Planning and Zoning Commission (without an appeal) or that the application is withdrawn after the Commission hearing, the Commission shall not here another application for the same amendment on the same property or any portion of the same property within one year of the original hearing, unless there is new and different evidence that was not reasonably available at the time of the original hearing.